

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CELEDONIO B. DE LEON AND RUBEN A. ALARCON,
ACCUSED-APPELLANTS.**

G.R. No. 110558. July 03, 1995

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-110558/>

DAVIDE, JR., J.:

It was around 8:00 p.m. of 14 November 1988. Cesar Cruz, a kargador at M/V Arayat, was watching Inday Badiday's television program "Eye to Eye" through the window of a house located near the pier of Barangay Cotta, Lucena City, just across the Petron Service Station. His co-worker, Edmar Ramirez, and some other persons were also viewing the show.[1] All of a sudden, two persons coming from behind seized the hands of Cruz and, without much ado, one of them thrust a knife at the left upper back of Cruz. Despite the injury he received, Cruz still managed to run towards the motor launch, M/V Arayat, which was docked beside M/V Gerlyn II.[2]

Edmar Ramirez witnessed this incident and easily recognized the assailants for he was just about half a meter away from Cruz and the place was illuminated by two fluorescent lamps. According to him, it was Celedonio de Leon, a kargador of M/V Gerlyn II, who stabbed Cruz while holding the latter's left hand. The one holding the other hand was Ruben Alarcon, the chief engineer of that boat. Things happened so fast that Ramirez was not able to do anything except to go after Cruz while the latter ran towards M/V Arayat. This he did despite Alarcon's warning not to follow. He then helped in bringing Cruz to the Quezon Memorial Hospital.[3]

Another witness to the stabbing incident was Dinia Dala Saludes, the daughter of the owner of M/V Arayat. At the time of the incident, she was about to leave the Petron Service Station after having delivered money to the owner of the gas station who was her business partner. Upon seeing what had happened, Saludes reacted by following Alarcon, who was then chasing the wounded victim. Shortly afterwards, she heard Alarcon shouting while at the gangplank of M/V Gerlyn II: "May mangyayari pa sa mga taga Arayat" (something will still happen to the people of Arayat), referring to the crew of M/V Arayat.[4]

Saludes reported the incident to P/Sgt. Augusto C. Trinidad and requested him to go along with her to the pier. But when they arrived there, the M/V Gerlyn II had already sailed away.[5]

Using a hired boat, Sgt. Trinidad, Dinia Saludes, and her husband searched for the M/V Gerlyn II. Not long afterwards, they found it anchored between Barangays Ransohan and Barra, Lucena City. Sgt. Trinidad embarked on it, announced himself as a policeman, and inquired whether De Leon and Alarcon were there. Having been told that the two were hiding in the storeroom, he summoned them to come out.[6]

Alarcon heeded, but De Leon did not. Sgt. Trinidad then entered the storeroom and found De Leon covering himself with a sack. After informing them that they are suspects in the killing of Cesar Cruz, he brought the two to the police headquarters and endorsed them to the desk officer for investigation.[7]

Cesar Cruz died that same night. According to Dr. Eva Yamamoto, the single stab wound he had sustained caused hemorrhage which led to cardio-respiratory failure and consequently to his death.[8]

Meanwhile, on that same night, Edmar Ramirez executed before Pfc. Felipe Navarro an affidavit pointing to De Leon as the one who stabbed Cesar Cruz while holding one of the latter's hands and to Ruben Alarcon as the one holding the victim's other hand.[9]

On 22 November 1988, an information for murder was filed with the Regional Trial Court (RTC) of Lucena City against Celedonio de Leon and Ruben Alarcon.[10] The case was assigned to Branch 58 of the said court.

On 28 November 1988, Rogelio Dala, the owner of M/V Gerlyn II, came to see Ramirez and threatened him, ordering the latter to execute another affidavit and not to testify in the case or else something would happen to him. He then gave Ramirez P950.00 and told him to get lost for at least two years.[11]

An affidavit exculpating Ruben Alarcon of his involvement in the killing of Cesar Cruz[12] was forthwith prepared by Pfc. Felipe Navarro at the police headquarters. Thereafter, Ramirez was brought to Atty. Meliton V. Angeles who was in front of Pinausukan, a beer garden. The lawyer signed the affidavit as his counsel. Upon the instruction of Dala and Navarro, Ramirez also affixed his signature on the document without reading its contents. Thereafter, he went to Guinyangan, Quezon.[13]

Tortured by his conscience, Ramirez decided to return to Lucena City and, on 6 December 1988, executed an affidavit confirming the truth and genuineness of his affidavit of 14 November 1988 and repudiating that of 28 November 1988.[14]

The foregoing is the version of the prosecution. As might be expected, the defense offered a different one.

According to accused Celedonio de Leon, while he was loading cargoes aboard M/V Gerlyn II on that fateful night, Cesar Cruz stabbed him with a kitchen knife. He sustained a slight injury above his left waist as a consequence. He then grabbed the knife from Cruz and unintentionally stabbed the latter. Fearing that Cruz might retaliate, he immediately ran towards his boat.[15]

To evade the companions of Cesar Cruz, M/V Gerlyn II set sail at about 9:00 p.m., although it was scheduled to leave for San Andres at midnight. Since the sea was still at low tide, the boat could not proceed to San Andres and had to anchor at Barangay Barra, more than one kilometer away from Barangay Cotta. While there, he and Alarcon were apprehended by three policemen, brought to the police headquarters, and investigated. He told the police that he hit Cesar Cruz with a knife but that he did so unintentionally. He also said that Alarcon had nothing to do with the stabbing.[16]

For his part, accused Ruben Alarcon testified that he was repairing the engine of M/V Gerlyn II that night. Later, he went out to buy cigarettes at a nearby store. Just as he was about to leave the store, he saw Celedonio de Leon and Cesar Cruz struggling with each other in a place where there were people watching television. In the next instant, he saw Cruz running away.[17]

Alarcon then returned to the boat and continued repairing the engine. Sensing a commotion outside, he went out and saw Cruz lying on the other boat. When he returned to his boat, his co-worker, De Leon, was already there.[18]

At about 7:30 p.m., M/V Gerlyn II sailed with thirteen crew members on board. Afterwards, there appeared a motor boat carrying Dinia Dala Saludes, her husband, and a policeman. Alarcon and De Leon were forced to go to Barangay Cotta with the policeman and were then taken to the police headquarters where they were investigated in connection with the killing of Cesar Cruz. Alarcon denied any involvement therein.[19]

The trial court gave full credence to the evidence for the prosecution and found that conspiracy and the qualifying circumstance of treachery, alleged in the information, were duly established. In its decision[20] promulgated on 13 April 1993, the trial court convicted both accused of the crime of murder and sentenced each of them to suffer the penalty of reclusion perpetua, to pay jointly and severally the heirs of the victim the sum of P50,000.00 as civil indemnity, and to pay the costs.

In this appeal, which the accused seasonably interposed, they ascribe to the trial court the following errors:

I

THE TRIAL COURT ERRED IN BELIEVING EDMAR RAMIREZ Y DALA.

II

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE CORROBORATING TESTIMONY OF DIÑA DALA-SALUDES.

III

THE TRIAL COURT ERRED IN FINDING CONSPIRACY AND/OR CONFEDERACY BETWEEN THE APPELLANTS AND TREACHERY IN STABBING CESAR CRUZ.

IV

THE TRIAL COURT ERRED IN CONVICTING THE APPELLANTS.[21]

In an attempt to cast doubt on the credibility of Edmar Ramirez, the appellants harp on his recantation of the 14 November 1988 affidavit and his subsequent repudiation of the affidavit of recantation.

Ramirez had satisfactorily explained these acts. Two weeks after the stabbing incident, he was threatened by the appellants' employer, Rogelio Dala, to execute an affidavit retracting his previous statement implicating De Leon and Alarcon in the crime. Young as he was, only seventeen years old at that time, he was presumably so vulnerable to a threat that he succumbed to it and did what he was told to do. But, having grappled with his conscience and fear, he later repudiated his affidavit of retraction, confirmed his previous affidavit, and testified in court.[22] He stood firm in his testimony anent the direct involvement of the appellants in the crime charged. Aside from being credible in itself, his testimony was corroborated by another eyewitness, Dinia Saludes. Moreover, the defense had not shown that he was actuated by improper motives in testifying against the appellants; hence, it is presumed that he was not so actuated, and his testimony is, therefore, entitled to full faith and credit.[23]

Neither does the failure of Dinia Saludes to execute an affidavit destroy her credibility as a witness or negate the truth of her testimony. She was instrumental in the arrest of the appellants. After having witnessed the incident which took place about seven meters away from where she was, she looked for a policeman and reported what she saw. She even hired a motor boat and went to sea with the policeman to track down the boat where the appellants were aboard.[24] Appellant Alarcon himself admitted to having seen her in the company of the policeman who arrested him and his co-appellant.[25] Furthermore, there is nothing in the evidence for the defense to suggest that she had an ax to grind against the appellants or that she was compelled by any other improper motive in testifying against them. Besides, Alarcon is her kumpadre, he being the godfather of her youngest child.[26]

Thus, the trial court cannot be faulted in believing the testimonies of Ramirez and Saludes. In a plethora of cases, this Court has said that the trial court's factual findings, particularly its assessment of the credibility of the witnesses, are entitled to great weight on appeal. This is so because the trial judge enjoys the peculiar advantage

of observing first-hand the deportment of the witnesses while testifying and is, therefore, in a better position to form accurate impressions and conclusions on the basis thereof.[27] As aptly stated in *People vs. De Guzman*: [28]

In the resolution of the factual issues, the Court relies heavily on the trial court for its evaluation of the witnesses and their credibility. Having the opportunity to observe them on the stand, the trial judge is able to detect that sometimes thin line between fact and prevarication that will determine the guilt or innocence of the accused. That line may not be discernible from a mere reading of the impersonal record by the reviewing court. The record will not reveal those tell-tale signs that will affirm the truth or expose the contrivance, like the angry flush of an insisted assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer or the forthright tone of a ready reply. The record will not show if the eyes have darted in evasion or looked down in confession or gazed steadily with a serenity that has nothing to distort or conceal. The record will not show if tears were shed in anger, or in shame, or in remembered pain, or in feigned innocence. Only the judge trying the case can see all these and on the basis of his observations arrive at an informed and reasoned verdict.[29]

Appellant Alarcon insists that he had no participation in the slaying of Cesar Cruz as shown by the affidavit of Edmar Ramirez dated 28 November 1988 wherein the latter retracted his previous statement implicating the former in the crime.

In a number of cases, this Court has considered affidavits of recantation as exceedingly unreliable because they can be easily secured from poor and ignorant witnesses, usually for monetary considerations, and are most likely to be repudiated afterwards.[30]

The affidavit relied upon by Alarcon was properly discarded by the trial court. It was obtained by means of threat coupled with a consideration in the amount of P950.00. Also, it was executed two weeks after the stabbing incident and was subsequently repudiated by Ramirez. The first affidavit, on the other hand, was executed on the very night of the incident when everything was still fresh in the mind of the witness and was confirmed in the 6 December affidavit of Ramirez.

The appellants next assert that there was no conspiracy between them.

Although there is no direct evidence of prior agreement to commit the crime, conspiracy may be inferred from the acts of the appellants before, during, and after the commission of the crime which are indicative of a joint purpose, concerted action, and concurrence of sentiments.[31] First, the appellants came together to the scene of the crime. Second, while Alarcon was holding the victim's right hand, De Leon, who was holding the other hand, stabbed Cruz. Third, Alarcon was heard shouting: "May mangyayari pa sa mga taga Arayat," referring to the crew of M/V Arayat. Fourth, the two left together on board M/V Gerlyn II which put out to sea at 9:00 p.m. of 14 November 1988 even though its schedule for departure was at 12:00 midnight when the water was expected to be at high tide. The mere fact that their victim sustained only one wound does not necessarily establish lack of conspiracy.[32]

The trial court did not, therefore, err in holding Alarcon equally liable for the crime of murder. There being conspiracy, the act of the actual slayer was his act, too.[33]

It is contended that the crime committed should only be homicide with the privileged mitigating circumstance of incomplete self-defense since the attack was preceded by a fight initiated by the victim and the wound was inflicted while De Leon and Cruz were facing each other.

This contention deserves scant consideration. As the trial court observed, the premature departure of M/V Gerlyn II where the appellants sought refuge is indicative of flight, thus negating De Leon's theory of self-defense. Moreover, that theory was a mere afterthought because when De Leon was investigated, he neither showed the

alleged injury above his waist nor claimed self-defense. What he said to the police investigator was that he stabbed Cesar Cruz unintentionally, thus:

Q

Were you investigated or even questioned by the police in the headquarters?

A

Yes, sir.

Q

And what did you tell the police when you were investigated?

A

I told the police that I hit Cesar Cruz with a knife but that was unintentional, sir.

Q

Do you recall if you were brought to the Fiscal's Office in connection with the death of Cesar Cruz?

A

Yes, sir.

Q

In the Fiscal's Office, were you asked what happened why Cesar Cruz was killed?

A

Yes, sir.

Q

Did you tell the Fiscal that you stabbed him unintentionally?

A

Yes, sir.[34]

The evidence for the prosecution show that the appellants approached the victim from behind and attacked him suddenly, unexpectedly, and without any warning.[35] On top of that, the victim was held tightly by both appellants, thus depriving his hands of freedom of movement.[36] All these circumstances, plus the fact that the solitary fatal wound was inflicted at the back of the victim's body suddenly and unexpectedly, doubtless show the existence of treachery.[37] Hence, the killing was properly classified as murder.

WHEREFORE, finding no reversible error in the challenged decision, the instant appeal is hereby DISMISSED and the decision of Branch 58 of the Regional Trial Court of Lucena City in Criminal Case No. 88-609 is AFFIRMED in toto.

Costs against the accused-appellants.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Quiason, and Kapunan, JJ., concur.

- [1] TSN, 15 June 1989, 4-5; 4 August 1989, 31, 36, 49-51.
- [2] Id., 5-8; Id., 34-36; 31 January 1990, 7-8.
- [3] TSN, 15 June 1989, 6-8; 4 August 1989, 48.
- [4] TSN, 31 January 1990, 5-9, 35, 37-38.
- [5] Id., 10-11; 14 June 1990, 3.
- [6] TSN, 31 January 1990, 11-12; 14 June 1990, 3-4.
- [7] TSN, 14 June 1990, 4, 7.
- [8] Exhibit "D"; Original Records (OR), 150; TSN, 12 January 1990, 6-7.
- [9] Exhibit "A"; OR, 5.
- [10] OR, 2; Rollo, 4.
- [11] TSN, 15 June 1989, 9-10.
- [12] Exhibit "1"; OR, 243-244.
- [13] TSN, 15 June 1989, 11-14.
- [14] Exhibit "C"; OR, 149; Id., 14-15, 17-18.
- [15] TSN, 23 January 1991, 3-5.
- [16] TSN, 23 January 1991, 7-10.
- [17] TSN, 12 September 1990, 4-6.
- [18] Id., 7-10.
- [19] TSN, 12 September 1990, 11-16.
- [20] OR, 261-285; Rollo, 21-44. Per Judge Ludovico C. Lopez.
- [21] Brief for the Appellants, 1; Rollo, 69.
- [22] TSN, 15 June 1989, 14-18.
- [23] See *People vs. Genobia*, 234 SCRA 699 [1994]; *People vs. Balisteros*, 237 SCRA 499 [1994].
- [24] TSN, 31 January 1990, 10-11; 14 June 1990, 2-3.
- [25] TSN, 12 September 1990, 13.
- [26] TSN, 31 January 1990, 6.
- [27] See *People vs. Bravo*, 180 SCRA 694 [1989]; *People vs. Umali*, 193 SCRA 493 [1991]; *People vs. De Paz*, 224 SCRA 468 [1993]; *People vs. Gornes*, 230 SCRA 270 [1994]; *People vs. Maguikay*, 237 SCRA 587 [1994].

[28] 188 SCRA 407 [1990].

[29] At 410-411.

[30] See *People vs. Bernardo*, 220 SCRA 31 [1993]; *People vs. Liwag*, 225 SCRA 46 [1993]; *People vs. Joya*, 227 SCRA 9 [1993].

[31] See *People vs. De la Cruz*, 207 SCRA 632 [1992]; *People vs. Sacristan*, 223 SCRA 140 [1993]; *People vs. Dural*, 223 SCRA 201 [1993]; *People vs. Balanag*, 236 SCRA 474 [1994].

[32] *People vs. Cruza*, 237 SCRA 410 [1994].

[33] See *People vs. De la Cruz*, 227 SCRA 278 [1993]; *People vs. Liquiran*, 228 SCRA 62 [1993]; *People vs. Timple*, 237 SCRA 52 [1994].

[34] TSN, 23 January 1991, 9.

[35] Exhibit "A"; TSN, 4 August 1989, 36.

[36] TSN, 15 June 1989, 7; 31 January 1990, 7-8.

[37] See *People vs. Berganio*, 110 Phil. 322 [1960]; *People vs. Condemena*, 23 SCRA 910 [1968]; *People vs. Boniao*, 217 SCRA 653 [1993]; *People vs. Daniel*, 236 SCRA 499 [1994]; *People vs. Balisteros*, 237 SCRA 499 [1994].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.